

REMARKS

This Preliminary Amendment in RCE Application is in response to the Office Action of April 25, 2007. Applicants respectfully request entry of this Preliminary Amendment prior to the first Official Action and prior to calculating the fees for the application. With this Amendment, Claims 1-3, 9 and 12 have been amended.

CLAIM REJECTIONS - 35 USC 102

Claims 1-3, 8, 12 and 16 were rejected under 35 USC 102(b) over Stafford et al. US 5,763,118. With this Amendment, Claim 1 is amended to include limitations to a first layer of thermally conductive material that is shaped to conform to a cylindrical portion of an outer surface of an electrical energy cell, the first layer terminating at first layer ends that are on the cylindrical portion, and a second layer of thermally insulating material that is shaped to cover an outer surface of the first layer and that extends beyond the outer surface to cover the first layer ends, and the second layer completely covering the first layer to prevent contact between a combustible atmosphere and the first layer. Support for this amendment can be found in Applicant's disclosure at least at FIG. 1.

Stafford et al. does not disclose a first layer of thermally conductive material that terminates at first layer ends on a cylindrical portion of an outer surface of a cell, and a second layer that covers an outer surface of the first layer and that extends beyond the outer surface to cover the layer ends, the second layer completely covering the first layer to prevent contact between a combustible atmosphere and the first layer. Reconsideration and withdrawal of the rejection under 35 USC 102 of Claims 1-3, 8, 12 and 16 as presently amended, and allowance of Claims 1-3, 8, 12 and 16 are therefore requested.

CLAIM REJECTIONS - 35 USC 103

Claims 4, 5, 13 and 14

Claims 4, 5, 13 and 14 were rejected under 35 USC 103(a) over Stafford et al. US 5,763,118 in view of Dansui et al. US 2003/0013009.

Stafford et al is discussed above in connection with amended Claim 1. Base Claim 12 is presently amended to include limitations similar to the limitations of amended Claim 1. Dansui et al. also does not disclose a first layer of thermally conductive material that terminates at first layer ends on a cylindrical portion of an outer surface of a cell, and a second layer that covers an outer surface of the first layer and that extends beyond the outer surface to cover the layer ends, the second layer completely covering the first layer to prevent contact between a combustible atmosphere and the first layer. Neither Stafford et al. nor Dansui et al., taken singly or in combination, teach or suggest the limitations of Claims 1 and 12 as presently amended. The addition limitations of Claims 4, 5, 13 and 14 are believed to be patentable when taken in combination with the limitations of the base claims. Reconsideration and withdrawal of the rejection under 35 USC 103 of Claims 4, 5, 13 and 14, and allowance of Claims 4, 5, 13 and 14 are therefore requested.

Claims 6, 7 and 15

Claims 6, 7 and 15 were rejected under 35 USC 103(a) over Stafford et al. US 5,763,118 in view of Toyoda JP2001-243927.

Stafford et al is discussed above in connection with amended Claim 1. Base Claim 12 is presently amended to include limitations similar to the limitations of amended Claim 1. Toyoda also does not disclose a first layer of thermally conductive material that terminates at first layer ends on a cylindrical portion of an outer surface of a cell, and a second layer that covers an outer surface of the first layer and that extends beyond the outer surface to cover the layer ends, the second layer completely covering the first layer to prevent contact between a combustible atmosphere and the first layer. Neither Stafford et al. nor Toyoda, taken singly or in combination, teach or suggest the limitations of Claims 1 and 12 as presently amended. The addition limitations of Claims 6, 7 and 15 are believed to be patentable when taken in combination with the limitations of the base claims. Reconsideration and withdrawal of the rejection under 35 USC 103 of Claims 6, 7 and 15, and allowance of Claims 6, 7 and 15 are therefore requested.

Claims 9 and 10

Claims 9 and 10 were rejected under 35 USC 103(a) over Stafford et al. US 5,763,118 in view of Miller et al. US 5204194.

Stafford et al is discussed above in connection with amended Claim 1. Base Claim 9 is presently amended to include limitations similar to the limitations of amended Claim 1. Miller et al. also does not disclose a first layer of thermally conductive material that terminates at first layer ends on a cylindrical portion of an outer surface of a cell, and a second layer that covers an outer surface of the first layer and that extends beyond the outer surface to cover the layer ends, the second layer completely covering the first layer to prevent contact between a combustible atmosphere and the first layer. Neither Stafford et al. nor Miller et al., taken singly or in combination, teach or suggest the limitations of Claim 9 as presently amended. The addition limitations of Claim 10 are believed to be patentable when taken in combination with the limitations of the base claim 9. Reconsideration and withdrawal of the rejection under 35 USC 103 of Claims 9 and 11, and allowance of Claims 9 and 11 are therefore requested.

Claim 11

Claim 11 was rejected under 35 USC 103(a) over Stafford et al. 5,763,118 in view of Miller et al. 5,204,194 and further in view of Maggert et al. US 6,724,170.

Stafford et al and Miller et al. are discussed above in connection with amended Claim 9. Maggert et al. also does not disclose a first layer of thermally conductive material that terminates at first layer ends on a cylindrical portion of an outer surface of a cell, and a second layer that covers an outer surface of the first layer and that extends beyond the outer surface to cover the layer ends, the second layer completely covering the first layer to prevent contact between a combustible atmosphere and the first layer. Neither Stafford et al., Miller et al. nor Maggert et al., taken singly or in combination, teach or suggest the limitations of Claim 9 as presently amended. The addition limitations of Claim 11 are believed to be patentable when taken in combination with the limitations of the base claim 9. Reconsideration and withdrawal of the rejection under 35 USC 103 of Claim 9 and allowance of Claim 9 are therefore requested.

Claims 17 and 19

Claims 17 and 19 were rejected under 35 USC 103(a) over Stafford et al. 5,763,118 in view of Iwasaki et al. US 6,325,611.

Stafford et al is discussed above in connection with amended Claim 1. Base Claim 12 is presently amended to include limitations similar to the limitations of amended Claim 1. Iwasaki et al. also does not disclose a first layer of thermally conductive material that terminates at first layer ends on a cylindrical portion of an outer surface of a cell, and a second layer that covers an outer surface of the first layer and that extends beyond the outer surface to cover the layer ends, the second layer completely covering the first layer to prevent contact between a combustible atmosphere and the first layer. Neither Stafford et al. nor Iwasaki et al., taken singly or in combination, teach or suggest the limitations of Claims 1 and 12 as presently amended. The addition limitations of Claims 17 and 19 are believed to be patentable when taken in combination with the limitations of the base claims. Reconsideration and withdrawal of the rejection under 35 USC 103 of Claims 17 and 19, and allowance of Claims 17 and 19 are therefore requested.

Claim 18

Claims 18 was rejected under 35 USC 103(a) over Stafford et al. 5,763,118 in view of Miller et al. US 5,204,194 and further in view of Iwasaki et al. US 6,325,611.

Stafford et al and Miller et al. are discussed above. Base Claim 9 is presently amended to include limitations similar to the limitations of amended Claim 1. Iwasaki et al. also does not disclose a first layer of thermally conductive material that terminates at first layer ends on a cylindrical portion of an outer surface of a cell, and a second layer that covers an outer surface of the first layer and that extends beyond the outer surface to cover the layer ends, the second layer completely covering the first layer to prevent contact between a combustible atmosphere and the first layer. Neither Stafford et al. nor Miller et al. nor Iwasaki et al., taken singly or in combination, teach or suggest the limitations of Claim 9 as presently amended. The addition limitations of Claim 18 are believed to be patentable when taken in combination with the limitations of the base claim 9.

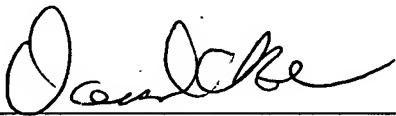
Reconsideration and withdrawal of the rejection under 35 USC 103 of Claim 18, and allowance of Claim 18 are therefore requested.

Conclusion

Applicant respectfully requests consideration and allowance of claims 1-19. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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